

JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: TALLARIDA ET AL
SERIAL NO.: 10/618,887
FILED: JULY 14, 2003
FOR: SYSTEM AND METHOD FOR JOINT RESURFACE REPAIR
GROUP: 3732
DOCKET: STD00.01CIPD

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The references listed on the attached form PTO-1449 relate to the subject matter of the present invention and are brought to the attention of the Patent and Trademark Office pursuant to 37 C.F.R. 1.56 and 1.98.

Applicant hereby attaches U.S. Patent Office Form PTOL-1449, including copies of the prior art references listed therein. These references were cited in the Supplemental European Search Report of a corresponding European Patent application. A copy of the Supplemental EPO Search Report is also enclosed. The claims in the present application are believed to be patentably distinguished over these references. Certain of the references referred to in the enclosed EPO Supplemental Search Report have been previously submitted or cited in this case. Accordingly, no copies of the previously cited references are provided, and it is respectfully submitted that no copies of these references are believed necessary.

Applicants note that references DE 3516743 and DE 2933174 are not in the English language, and English language abstracts are provided. Applicants further note that reference FR 2242068 is not in English, and the English abstract is unavailable. The FR 2242068 reference was cited in the European Search Report under Category X, meaning that, according to the EPO examiner, the reference is particularly relevant to the claims.

This prior art disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitute prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

This statement is being submitted prior to a first office action on the merits. While this statement contains all the relevant information presently known to the applicant, it should not be interpreted as a representation that an exhaustive search has been conducted or that no other relevant information exists. Also, this statement should not be interpreted as a representation that any cited reference is prior art, or that any cited reference is "material to patentability" as defined in 37 CFR §1.56. The applicant invites the Examiner to make an independent evaluation of each cited reference, copies of which are enclosed, to determine their relevance to the subject matter of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund P. Pfleger', written over a horizontal line.

Edmund P. Pfleger
Attorney for Applicant
Reg. No. 41,252



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on November 3, 2004, at Manchester, New Hampshire.

By April Davis

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**(Under 37 CFR 1.97(b) or 1.97(c))**Docket No.
STD 00.01 CIPDIn Re Application Of: **TALLARIDA ET AL****NOV 05 2004**

Application No.

10/618,887

Filing Date

JULY 14, 2003

Examiner

Customer No.

32047

Group Art Unit

3732

Confirmation No.

5876Title: **SYSTEM AND METHOD FOR JOINT RESURFACE REPAIR**

Address to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450****37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
STD 00.01 CIPD

In Re Application: TALLARIDA ET AL

NOV 05 2004

Application	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/618,887	JULY 14, 2003		32047	3732	

Title: SYSTEM AND METHOD FOR JOINT RESURFACE REPAIR

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

*This certificate may only be used if paying by deposit account.

Signature

Edmund P. Pfleger

Reg. No. 41,252

Grossman Tucker Perreault & Pfleger, PLLC

55 South Commercial Street

Manchester, NH 03101

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

November 3, 2004

(Date)


Signature of Person Mailing Correspondence

April Davis

Typed or Printed Name of Person Mailing Certificate

Dated: November 3, 2004

CC:

<div style="text-align: center;">  <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p> </div>	ATTY DOCKET NO.	APPLICATION NO.
	STD 00.01 CIPD	
	APPLICANT(S) TALLARIDA ET AL	
FILING DATE	GROUP ART UNIT	
JULY 14, 2003	3732	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	1	FR 2242068	3/28/1975	France	A61F	1/24		✓
	2	DE 3516743	11/13/1986	Germany w/ English abstract	A61F	2/36		✓
	3	DE 2933174	4/10/1980	Germany w/ English abstrac	A61F	1/00		✓

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		4	Copy of Supplementary EPO Search Report for EPO Application No. 01932833.5, mailed August 30, 2004.

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.